

**AMERICAN CONSULATE GENERAL
IMMIGRANT VISA UNIT
78 BHULABHAI DESAI ROAD
MUMBAI, INDIA 400 026**

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**INSTRUCTION PACKAGE FOR IMMIGRANT VISA APPLICANTS –
(PACKET THREE)**

This office has received an approved immigrant visa petition filed for you. You may now prepare for the immigrant visa interview by taking the following steps:

STEP ONE: Complete & immediately return the enclosed Form DS-230, Part 1, (separate form for each applicant) to this office along with clear photocopies of the biographic data page of your passport and the last page of your passport which contains your parents/spouse's names and any other page(s) which may indicate any change in name / date & place of birth / marital status. We cannot complete our clearance procedures until this form is completed and returned to us along with the photocopies. When completing the form please include all names used by each applicant, including any names used in the past. In particular, married women must be sure to include their full name as used before marriage, after marriage, and any other aliases. Please use the exact spelling and name order indicated in the applicant's passport. Issuance of the visa will be delayed if our office is not informed of all names, previous and current, used by each applicant.

STEP TWO: Obtain the following documents which pertain to you. As you obtain each document, check the box beside each item. **DO NOT SEND THE DOCUMENTS TO THIS OFFICE NOW. YOU WILL NEED TO SUBMIT THEM AT YOUR VISA INTERVIEW.**

☐ **PASSPORT:** Each applicant must have a valid passport. The passport must be valid for travel to the United States and must have at least six months validity beyond the issuance date of the visa. The passport should reflect the correct name and date of birth of the applicant. If the applicant's exact date of birth is known, an estimated date of birth (e.g. 01-Jun-1970) is not acceptable. The visa is issued in the name given in the applicant's passport. A female applicant does not compulsorily have to change her name to her married name. Those applicants whose passports are issued in their maiden names will have their visas issued in their maiden names. Applicants should bring all current and former/expired passports with them to the consulate for their interview.

☐ **BIRTH CERTIFICATE:** Each applicant must submit an original and a clear photocopy of his/her birth certificate and any required secondary evidence (see below). The certificate should include the applicant's name, date & place of birth, the names of both parents, an annotation by the issuing office indicating that it is an extract from its official records, and the seal of the issuing office, i.e. the municipal authorities or the village authorities (gram panchayat or talati-cum-mantri). The certificate must be in the original, official language of the state in which you were born. If your birth was not recorded, please submit a "no record of birth registration" letter

from the relevant municipality or village authorities along with secondary evidence (see below). If your birth record has been destroyed or the municipality or village authorities will not issue one, submit a letter from the municipality or village authorities stating so along with secondary evidence (see below). If your name is not mentioned in the birth certificate, submit the certificate along with secondary evidence (see below). If any details are missing in the birth certificate or if there is a discrepancy regarding your date of birth or name, submit the certificate along with secondary evidence (see below). If your birth was registered more than three years after you were born, you must submit the certificate along with a magistrate's order concerning the late registration. If any documents were issued in a local language, you must submit the document as well as a notarized English translation.

Examples of secondary evidence (which should also include your name, date and place of birth; names of both parents; and the seal of the issuing office): a baptismal certificate, an adoption decree, a school record, a notarized affidavit from a close relative (a parent, a close relative, a neighbor or friend who was present at the time of your birth) on the appropriate stamp paper which must be sworn before a First Class Magistrate. The person making this affidavit must state how he/she knows your family and how he/she knows the facts of your birth.

☐ **POLICE CERTIFICATES:** Each applicant aged 16 years and older must submit a police certificate that includes information regarding the applicant including all arrests, the reason for the arrest(s) and the disposition of such cases. (A) Indian citizens residing in India for six months or more since turning 16 years of age must present Indian police clearance certificates from both their district police station and the local area passport office. Applicants whose passports were issued within six months of the visa interview may present just the passport office certificate. These certificates are valid for one year from the date of issuance. (B) If an Indian citizen who has lived in India for at least one year after the age of 16 currently resides outside India, he/she must obtain a certificate issued by the Indian Embassy or Consulate where he/she lives. These certificates are valid for only one year from the date of issuance. (C) Foreign police certificates: applicants who have resided in any other country for one year or more after the age of 16 may also be required to submit police certificates for these countries. Applicants may inquire with our Immigrant Visa Unit regarding police certificates for these countries or look up the information at www.travel.state.gov/visa/reciprocity/index.html (D) U.S. police certificates are not required for applicants who have lived in the U.S.A. (E) Non-Indian immigrant visa applicants residing in India should obtain police certificates from the district police station serving their area of residence.

Note: The police certificates should be valid on the day the visa applicant is interviewed. We suggest that applicants monitor the monthly cut-off date listing at our website, <http://mumbai.usconsulate.gov/wwwhgiv.html>, and obtain new police certificates if their current certificates are no longer valid.

☐ **DEPORTATION:** Any applicant who has been deported from the United States must submit all documents relating to the matter.

☐ **PRISON RECORDS:** Applicants who have been convicted of a crime must submit court records, prison records, records regarding the disposition of the case and any additional information regarding the crime, regardless of the fact that he/she may have subsequently benefited from an amnesty, pardon or other act of clemency.

☐ **MILITARY RECORDS:** A certified copy of any military record is required. The record should contain a complete record of the applicant's service and conduct while in service. It must show any conviction of crime before a military tribunal. A discharge certificate is required upon discharge, retirement, or resignation from military service.

☐ **PHOTOGRAPH:** *See attached sheet.*

☐ **MARRIAGE CERTIFICATE:** Any applicant who has ever married must provide an **original and a clear photocopy** of the marriage certificate(s) for all marriages of the petitioner and for the visa applicant. Persons who married before 1955 must attempt to register their marriage. Failing this, they must submit affidavits on appropriate stamp paper sworn before a First Class Magistrate by one parent of the groom and one parent of the bride giving the names of the bride and groom, the date and place of the marriage ceremony, the name of the person who performed the ceremony. Persons married in 1955 and later must submit a marriage registration certificate. Certificates issued by the appropriate authorities or recognized religious organizations are acceptable if they are legally valid in India. If any of these documents were issued in a local language, a notarized English translation is required in addition to the original. If you and your spouse are applying for visas, you should submit an original and two clear photocopies of each certificate.

☐ **TERMINATION OF PREVIOUS MARRIAGE:** All applicants who have divorced or whose spouses have died must provide an **original and a clear photocopy** of proof of the legal termination of all previous marriages of the petitioner and/or visa applicant (death certificate of spouse, divorce decree). Divorce between Hindus, Christians, and Parsis must be documented by a court order. Divorce between Muslims must be documented by a certificate from the Kazi or the head of the Jammat. If any of these documents were issued in a local language, a notarized English translation is required in addition to the original.

☐ **EVIDENCE OF RELATIONSHIP TO THE PETITIONER:** We strongly suggest that all applicants bring extensive documentary evidence of the relationship between the petitioner and the primary beneficiary and between the primary beneficiary and any derivative beneficiaries. **Failure to do so could greatly delay your application while your application is investigated.** Some examples of such evidence are family and other photographs (old and recent) showing the parties together, letters, cards, correspondence, and telephone records.

☐ **AFFIDAVIT OF SUPPORT:**

Note: Only U.S. consular officers, DHS officers and U.S. notaries are authorized to notarize forms I-864, I-864A, and I-134.

A) Immediate relative and family preference category

Each immigrant visa applicant needs to satisfy the consular officer that he/she will not become a public charge. In all immediate relative, family preference applicants, and employment-based applications in which a close family member owns 5% or more of the petitioning business, the petitioner must submit a completed affidavit of support (Form I-864) to show that the sponsored applicant(s) will not become a public charge. A form I-864 submitted within six months of the sponsor's signing the form is valid indefinitely.

- i) If form I-864 and its supporting documents have already been submitted to the National Visa Center (NVC), the documents will be forwarded to our office by the NVC and will be reviewed by the consular officer during the visa interview. While the form I-864 submitted to the NVC could be valid indefinitely (see above), the supporting documents submitted with this form are not. Many applicants' cases are needlessly delayed because their forms I-864 are not accompanied by current supporting documentation. **To avoid this problem, we strongly recommend that all applicants needing form I-864 bring to the initial interview a copy of the petitioner's most recent tax documents, proof of employment,**

bank letter, and proof of U.S. citizenship or legal permanent residency. See paragraph ii below for details regarding these documents.

ii) If the petitioner did not submit form I-864 to the NVC, the applicant must submit the following from the petitioner (sponsor):

- ☐ Form I-864.
- ☐ Documentary evidence that the petitioner/joint sponsor is a U.S. citizen /U.S. permanent resident (e.g. clear photocopy of birth certificate / certificate of naturalization / U.S. passport / both sides of green card, as applicable).
- ☐ Federal tax returns (form 1040) with all supporting schedules for the **three most recent taxable years from the date of interview**. An applicant applying in May 2005 should provide 1040 forms for 2004, 2003, and 2002. Failure to provide a 1040 form for the most recent taxable year will delay your application.
- ☐ W-2 forms for the three most recent taxable years, if applicable.
- ☐ Job letter or pay stubs (should be less than 12 months old on the day of the visa interview).
- ☐ Bank letter (should be less than 12 months old on the day of the visa interview).
- ☐ If self-employed include self-employment schedules filed with income tax returns or financial records such as a bank statement for the business accounts.
- ☐ Current proof of all assets (including ownership, location and value of each asset together with evidence of liens, mortgages and liabilities for each asset) reported in the I-864.
- ☐ If the petitioner did not file a tax return, the applicant should submit a written explanation from the petitioner explaining why he/she had no legal duty to file the return.
- ☐ If the petitioner filed a late or amended tax return, he/she should submit evidence of this.
- ☐ If the petitioner does not have copies of his/her tax returns, an Internal Revenue Service (IRS) summary of this should be submitted.

iii) If the petitioner's income or assets do not exceed 125% of the federal poverty guidelines, he or she must submit the complete form I-864 of an additional sponsor willing to assume financial responsibility for the sponsored immigrant(s). This additional form I-864 must include all the supporting documentation indicated in section ii) above. **If the additional sponsor lives in the same household as the petitioner, he/she is considered a household member, and cannot fill out a separate I-864.** The household member must execute an I-864A, as described below.

iv) If a sponsor wishes to qualify using the income or assets of a spouse or resident of his/her home, in addition to the above documents he/she should also submit form I-864A for each

additional contributor. The additional contributor should sign the form I-864A as the household member. Each household member should submit a form I-864A along with all the required documents outlined in paragraph ii) above.

v)(a) Applicants are responsible for providing sufficient copies of the form I-864. Beneficiaries of immediate relative (IR) petitions must provide one original signed and notarized I-864 and one complete set of original supporting documents. (b) Beneficiaries of family-preference (F) petitions must provide one original signed and notarized form I-864, one complete set of original supporting documents for the principal alien for whom the petition has been filed and a photocopy of only the form I-864/I-864A for each dependent who will attend the interview and travel with the principal alien. (c) If the dependent(s) will follow the principal alien to the United States at a later date each dependent must submit an original signed and notarized I-864 or I-864A and a complete set of original supporting documents.

B) Employment Preference category

- i) In employment preference visa categories a notarized offer of employment from the petitioner is required. If a relative has filed the visa petition as described in paragraph A) above, a form I-864 and all accompanying documents are required.
- ii) For follow-to-join applicants in the employment preference visa categories, the principal applicant must submit a notarized affidavit of support (form I-134), a job letter or pay stubs, a bank letter, and forms 1040 and W2 for the latest taxable year. These documents must be less than 12 months old when submitted to this office.

C) Returning resident (SB-1) and diversity visa (DV) applicants:

A sponsor who is a U.S. citizen or LPR must provide a notarized affidavit of support (form I-134), a job letter or pay stubs, a bank letter, forms 1040 and W2 for the most recent taxable year and proof of U.S. citizenship or permanent resident status. These documents must be less than 12 months old when submitted to this office.

STEP THREE: As soon as you have collected all the above documents, carefully read the statement below, sign and date it, and return this checklist to our office together with a photocopy of all applicants' passports. **You will not be scheduled for a visa interview until you complete, sign, and return this checklist to our office.**

After we receive this checklist we will schedule your visa interview at the earliest possible date. It is not possible to predict when the interview will be scheduled because in some visa categories eligibility for an interview depends on the date the visa petition was filed (priority date), the visa applicant's country of birth and the monthly cut-off date set for the applicant's visa category. Generally, parents, spouses and children of U.S. citizens are scheduled for visa interviews within 2 to 4 months of our office receiving this checklist from the visa applicant. When your visa interview is scheduled our office will send you an appointment letter (also known as a packet 4) which will contain instructions regarding the interview. You will not normally receive further correspondence from this office until the visa interview is scheduled. You may check the current cut-off date and see whether your appointment has been scheduled by visiting our website at <http://mumbai.usconsulate.gov>

basis for your refusal. If applicable, it will tell you what actions you could take to overcome the refusal.

Conditional status – Generally, visa applicants are granted “conditional status” at the time of visa issuance if the basis for immigration is a marriage to a petitioner who is a U.S. citizen or U.S. permanent resident and the marriage was entered into less than two years prior to the applicant’s admission to the United States as an immigrant. If, at the time of admission to the United States the applicant will not have celebrated the second anniversary of his/her marriage, which is the basis of the immigrant status, the applicant will be subject to the provisions of section 216 of the Immigration and Nationality Act. Under the provision, the applicant will be granted conditional permanent residence by an officer of the Department of Homeland Security (DHS) at the time of his/her admission to the United States. As a result, the applicant and petitioning spouse must file a joint petition with the DHS to have the conditional status removed. The petition must be filed within the 90-day period immediately preceding the second anniversary of the date the applicant was granted conditional permanent resident status. This petition must be filed with the Department of Homeland Security’s Bureau of Citizenship and Immigration Services (BCIS) office having jurisdiction over your place of residence. If a petition to remove the conditional basis of status is not filed within this period, the applicant’s conditional permanent residence status will be terminated automatically and the applicant will be subject to deportation from the United States.

Children about to reach 21 years of age: Generally, unmarried children under 21 years of age, of visa applicants, can be issued immigrant visas based on the immigrant visa petition filed for their parent. The child should be unmarried and under 21 years of age when he/she enters the United States as an immigrant. Children of mothers, fathers or spouses of U.S. citizens must have separate immigrant visa petitions filed on their behalf.

Adoption: IR-3 and IR-4 immigrant visas are processed after a form I-600 has been filed with and approved by an office of the Department of Homeland Security’s Bureau of Citizenship and Immigration Services (BCIS). Our office must receive the approved form I-600 or notice of its approval from the concerned BCIS office in order to process an adopted child’s immigrant visa case. Adoptive parents should not make travel plans until the immigrant visa has been issued to the child.

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